

APPENDIX

Pertinent Excerpts from Statute and Regulations Involved.

STATUTE:

Emergency Price Control Act of 1942 (Public Law No. 421, 77th Congress, Second Session, approved January 30, 1942) :

“Procedure—Sec. 203. (a) Within a period of sixty days after the issuance of any regulation or order under section 2, or in the case of a price schedule, within a period of sixty days after the effective date thereof specified in section 206, any person subject to any provision of such regulation, order, or price schedule may, in accordance with regulations to be prescribed by the Administrator, file a protest specifically setting forth objections to any such provision and affidavits or other written evidence in support of such objections. At any time after the expiration of such sixty days any person subject to any provision of such regulation, order, or price schedule may file such a protest based solely on grounds arising after the expiration of such sixty days. * * *

“Review—Sec. 204. (a) Any person who is aggrieved by the denial or partial denial of his protest may, within thirty days after such denial, file a complaint with the Emergency Court of Appeals, created pursuant to subsection (c), specifying his objections and praying that the regulation, order, or price schedule protested be enjoined or set aside in whole or in part. * * *

"Saving Provisions.—Sec. 206. Any price schedule establishing a maximum price or maximum prices, issued by the Administrator of the Office of Price Administration or the Administrator of the Office of Price Administration and Civilian Supply, prior to the date upon which the Administrator provided for by section 201 of this Act takes office, shall, from such date, have the same effect as if issued under section 2 of this Act until such price schedule is superseded by action taken pursuant to such section 2. Such price schedules shall be consistent with the standards contained in section 2 and the limitations contained in section 3 of this Act, and shall be subject to protest and review as provided in section 203 and section 204 of this Act. All such price schedules shall be reprinted in the Federal Register within ten days after the date upon which such Administrator takes office."

REGULATIONS:

Procedural Regulation No. 1 (issued pursuant to authority of Section 201(d) and 203(a) of the Emergency Price Control Act of 1942):

*"1300.1. Definitions.—*As used in this Regulation unless the context otherwise requires—

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d. The term 'maximum price regulation' means any regulation or order establishing a maximum price or prices as defined in Section 302(i) of the Act, except that the term shall not include a 'price schedule' or 'temporary maximum price regulation' as defined below.

e. The term 'price schedule' means any price schedule establishing a maximum price or prices issued by the

Administrator of the Office of Price Administration or the Administrator of the Office of Price Administration and Civilian Supply, prior to February 11, 1942, the date upon which the Administrator took office under the Act.

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i. The term 'protestant' means a person subject to any provision of a maximum price regulation or price schedule who files a protest against such provision in accordance with Section 203(a) of the Act."

"1300.42 Effective Date of Price Schedule.—Every price schedule issued by the Administrator of the Office of Price Administration or the Office of Price Administration and Civilian Supply prior to February 11, 1942, shall from such date have the same effect as if issued as a maximum price regulation under section 2 of the Act until such price schedule is superseded or withdrawn."

"1300.44 Protest of Price Schedule.—(a) Any provision of a price schedule shall be subject to protest within a period of 60 days after February 11, 1942: *Provided, however,* That any protest based solely on grounds arising after the expiration of such 60 days may be filed at any time after the grounds for such protest arise.

(b) A protest to a provision of a price schedule shall be filed, considered, and determined in the same manner as is provided for the protest of maximum price regulations by §§1300.9 to 1300.34 inclusive, of this Regulation (§§1300.1 to 1300.56, inclusive)."